

NOTICE TO THE AUDIENCE. PLEASE REMEMBER THAT IF YOU ARE INTERESTED IN MATTERS ON THE AGENDA THAT WILL HAVE SUBSEQUENT MEETINGS, IT IS YOUR RESPONSIBILITY TO NOTE THE DATES, TIMES, AND PLACES. NO FURTHER LETTERS OR REMINDERS WILL BE SENT. OF COURSE, IF YOU HAVE ANY QUESTIONS ABOUT ANY GIVEN MATTER, DO NOT HESITATE TO CONTACT THE PLANNING DEPARTMENT IN THE CITY HALL ANNEX, 4403 DEVILS GLEN ROAD, BETTENDORF, IOWA (344-4100).

**MEETING NOTICE  
BOARD OF ADJUSTMENT  
APRIL 11, 2013  
5:00 P.M.**

PLACE: Bettendorf City Hall Council Chambers, 2<sup>nd</sup> Floor, 1609 State Street

1. Roll Call: Falk \_\_\_\_\_, Gallagher \_\_\_\_\_, Johnson \_\_\_\_\_, Spranger \_\_\_\_\_, Voelliger \_\_\_\_\_
2. Review of Board Procedures.
3. The Board to review and approve the minutes of the meeting of March 14, 2013.
4. The Board to hold a public hearing on the following items:
  - a. Case 13-010; 4 Summer Place (R-1) - A request for a variance to reduce the required rear yard setback from 40 feet to 16 feet to allow for construction of a room addition, submitted by Mark Roemer.
  - b. Case 13-011; 2154 St. Andrews Circle (R-1) - A request for a variance to reduce the required rear yard setback from 40 feet to 32 feet to allow for construction of a room addition, submitted by Sampson Construction.
  - c. Case 13-012; 1109 Terrace Park Drive (C-2) - A request for a special use permit to allow a drive-in banking facility, submitted by Joe Minorik/LaMacchia Group.
  - d. Case 13-013; 3487 Towne Pointe Drive (C-2) - A request for a variance to allow an additional on-premises identification sign on a non-street frontage and to increase the allowable size of the sign from 300 square feet to 800 square feet, submitted by Bettendorf Christian Church.

The following are minutes of the Bettendorf Board of Adjustment and are a synopsis of the discussion that took place at this meeting and as such may not include the entirety of each statement made. The minutes of each meeting do not become official until approved at the next board meeting.

**MINUTES  
BETTENDORF BOARD OF ADJUSTMENT  
MARCH 14, 2013  
5:00 P.M.**

Voelliger called the meeting to order at 5:00 p.m.

Item 1. Roll Call

PRESENT: Falk, Gallagher, Johnson, Voelliger  
ABSENT: Spranger  
STAFF: Fuhrman, Soenksen

Item 2. Review of Board Procedures.

Item 3. The Board to review and approve the minutes of the meeting of January 10, 2013.

On motion by Falk, seconded by Gallagher, that the minutes of the meeting of January 10, 2013 be approved as submitted.

ALL AYES

Motion carried.

Item 4. The Board to hold a public hearing on the following items:

- a. Case 13-007; 3775 Middle Road (A-1) - A request for a variance to reduce the required front yard setback from 15 feet to 13 feet for an on-premises identification sign, submitted by Our Savior Lutheran Church.

Voelliger asked if there was an affidavit of publication. Soenksen stated that notice of public hearing had been received. Notice and affidavit of publication are Annex #2 to these minutes.

Soenksen reviewed the staff report. Staff report is Annex #3 to these minutes.

There being no one present wishing to speak in favor of or in opposition to the request, Voelliger closed the public hearing.

On motion by Gallagher, seconded by Falk, that a variance to reduce the required front yard setback from 15 feet to 13 feet for an on-premises identification sign be approved in accordance with the Decision and Order.

ALL AYES

Motion carried.

Decision and Order is Annex #4 to these minutes.

There being no further business, it was unanimously approved to adjourn the meeting at approximately 5:05 p.m.

These minutes and annexes approved \_\_\_\_\_

\_\_\_\_\_  
John Soenksen  
City Planner



COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

April 11, 2013

Staff Report

**Case No. 13-010**

**Location:** 4 Summer Place

**Applicant:** Mark Roemer

**Zoning Designation:** R-1, Single-family Residence District

**Request:** Variance to reduce the required rear yard setback from 40 feet to 16 feet to allow for construction of a room addition.

**Background Information and Facts**

The site is located on the north side of Summer Place. The site can be reached by turning south from Forest Grove Drive on Eagle Ridge Road and turning right at Summer Place (see Attachment A – Location Map). The applicant would like to build an addition on the northwest rear corner of the house that would encroach into the required 40-foot rear yard setback (see Attachment B – Plot Plan).

**Staff Analysis**

The applicant's home is located in an area characterized by larger houses on large lots. The applicant's lot is over ½ acre in size; if a variance is granted, the building footprint of the house would increase by roughly 30%. Approximately half of the addition would be within the required rear yard setback, but only at two points would the requested addition be within 16 feet of the rear property line. The remainder of the structure would be set back between 16 to 26 feet from the rear property line.

According to the city code, R-1 districts are meant to be areas of low-density residential development into which large required setbacks are incorporated. In this case there is a large outlot separating the applicant's property and the neighbor located directly to the north (see Attachment C – Outlot Illustration). The outlot provides access to the adjacent golf course for the residents in this area. Therefore the proposed addition would be separated from the neighbor's property line between 36 feet to 48 feet. If allowed, the nearest portion of the addition will be approximately 90 feet away from the closest portion of the neighbor's home. As a result, the intent of the Code will be maintained.

**Staff Recommendation**

While staff cannot cite a hardship for this request, it appears that the intent of the ordinance will be maintained.

Respectfully submitted,

John Soenksen  
City Planner



**SITE** →

FOREST GROVE DR

GROVE PARK PL

GROVE PARK CIR

HIGH POINT PL

CLIMBER PL

EAGLE RIDGE DR

CROW VALLEY DR

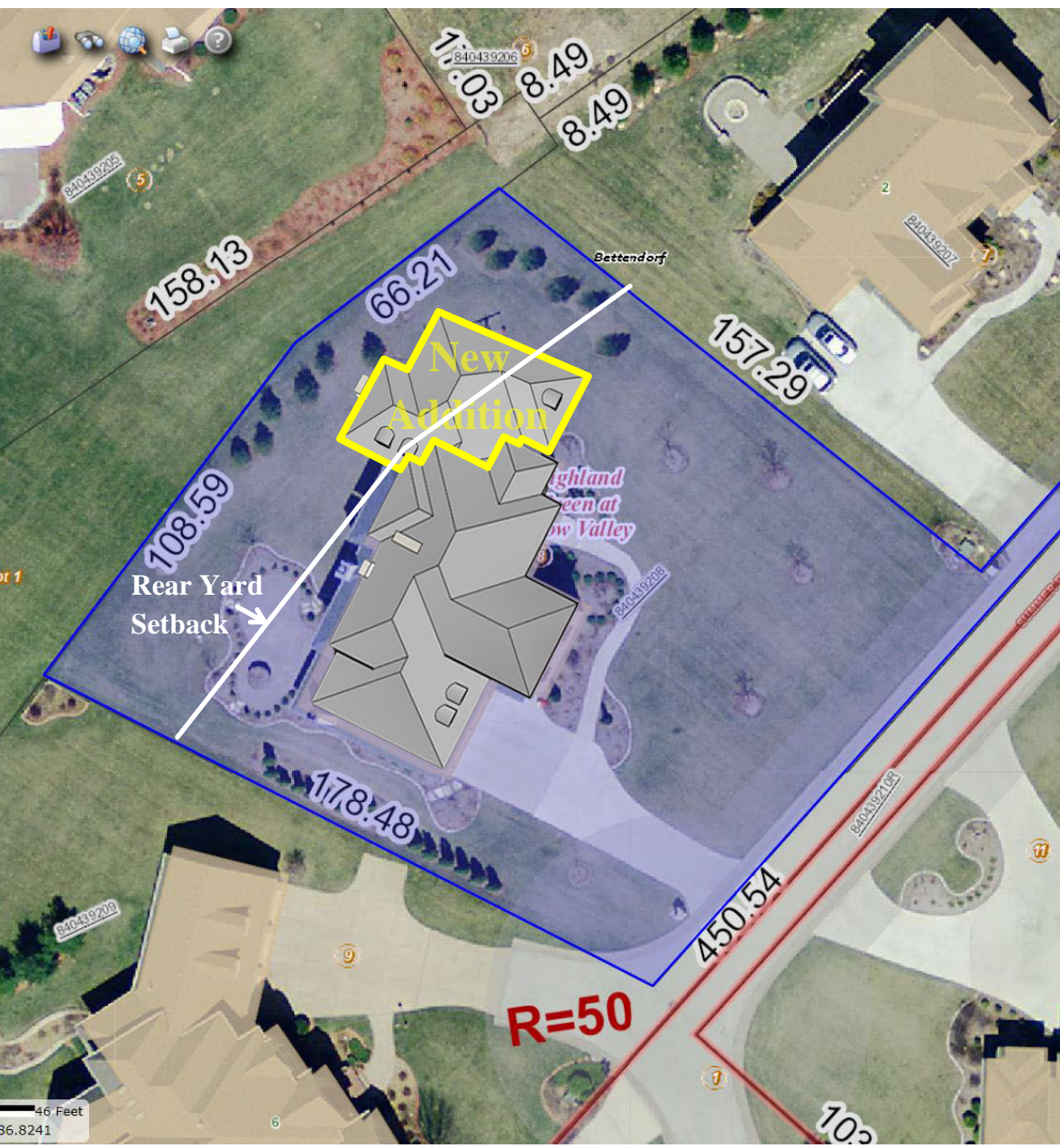
FAIRWAY CT

HIGHLAND GREEN CT

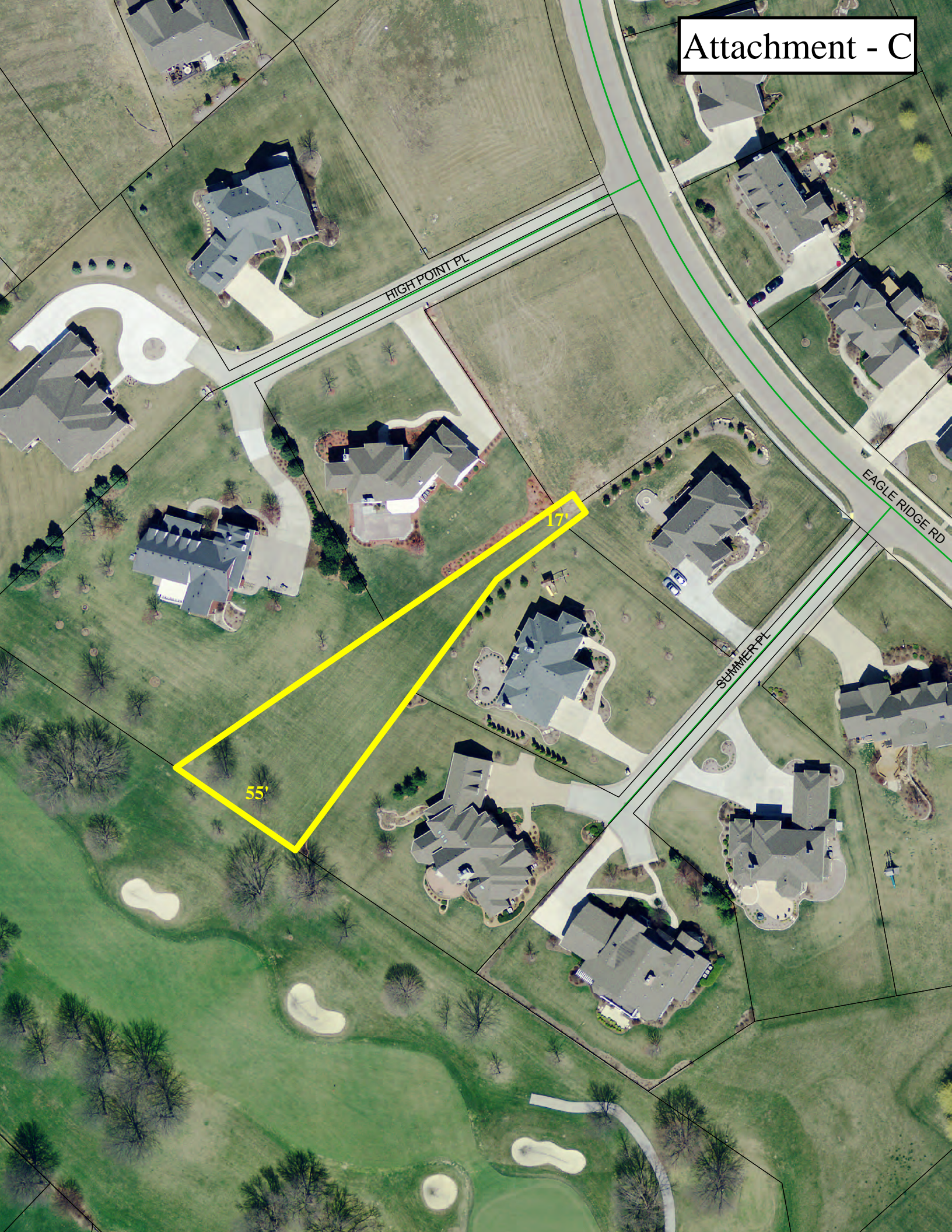
EAGLE CIR

EAGLE HEIGHTS CT





Attachment - C



HIGH POINT PL

EAGLE RIDGE RD

SUMMER PL

55'

17'



Case No. 13-010

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address 4 Summer Place Bett

Legal Description of the property. LOT 8, Highland Green at Crow Valley

Part 2. Contact Information.

Applicant Name MARK Roemer Phone 563-650-6572  
Address 4 Summer Place FAX ✓  
E-mail Address: mark-roemer@gmail.com

Owner Name Same Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Agent n/A Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Part 3. Type of Application. (check at least one)

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:

- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

3. Other. \_\_\_\_\_  
(Attach a separate sheet and explain in detail.)

**Part 4. General Information.**

Section(s) of Zoning Ordinance Involved \_\_\_\_\_ Existing Zoning \_\_\_\_\_

**Part 5. Reasons for Application.** In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

*we are looking to put an apartment over our home. By doing this we are getting closer to our property line but we have a pre-emptive easement between the homes that allows enough distance between the homes. we have got the signatures of the neighbors that this will affect & they are ok with our plans -*

**Part 6. Attachments.** The following items are attached and are a part of this application.

- 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- 2. Legal Description. (If not shown on page 1.)
- 3. Floor plan if internal design of building is part of application.
- 4. List additional attachments.

**Part 7. Signature.**

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

Signature of Applicant *[Signature]* Signature of Owner *[Signature]*  
 (The owner **MUST** indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa )  
 ) SS  
 County of Scott )

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 8th day of MARCH, 20 13.

*Sally A Toensfeldt*  
 Notary Public in and for Scott County, Iowa

**Part 10. Filing Fee.**

\$ 50.00 Single Family/Two-family Residential Variance  
 \$ 100.00 All Other Applications

Received by *Lesia Johnson*  
 Amount \$50 Date 3/8/13





COMMUNITY DEVELOPMENT  
City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

April 11, 2013

Staff Report

**Case No. 13-011**

**Location:** 2154 St. Andrews Circle

**Applicant:** Sampson Construction

**Zoning Designation:** R-1, Single-family Residence District

**Request:** Variance to reduce the required rear yard setback from 40 feet to 32 feet to allow for construction of a room addition

**Background Information and Facts**

The site is located on the north side of St. Andrews Circle which is accessible from the north end of 18<sup>th</sup> Street (see Attachment A - Location Map). The applicant currently has a deck that encroaches into the required setback. The deck was constructed many years ago before decks were considered part of the main structure as they are today. As such, the deck is now considered an existing non-conforming structure. The applicant would like to convert the deck area into a room addition and construct a new deck on the west side of the proposed addition (see Attachment B – Plot Plan).

**Staff Analysis**

Attachment B shows that approximately half of the new addition and deck will be within the required rear yard setback. The new structures will be constructed side by side with a stairway off the west side of the new deck (see Attachment C – Construction Plan).

The large required setbacks in the R-1 District provide for a low-density residential development with a significant separation between homes. A golf course with a wooded area is located adjacent to the applicant's rear property line and provides a 130-foot separation from the cart path. The applicant's property is also 850 feet away from the nearest residential property to the north (see Attachment D – Separation Illustration.) Staff does not feel that the request will have any detrimental effect on any properties to the north or rear of this site.

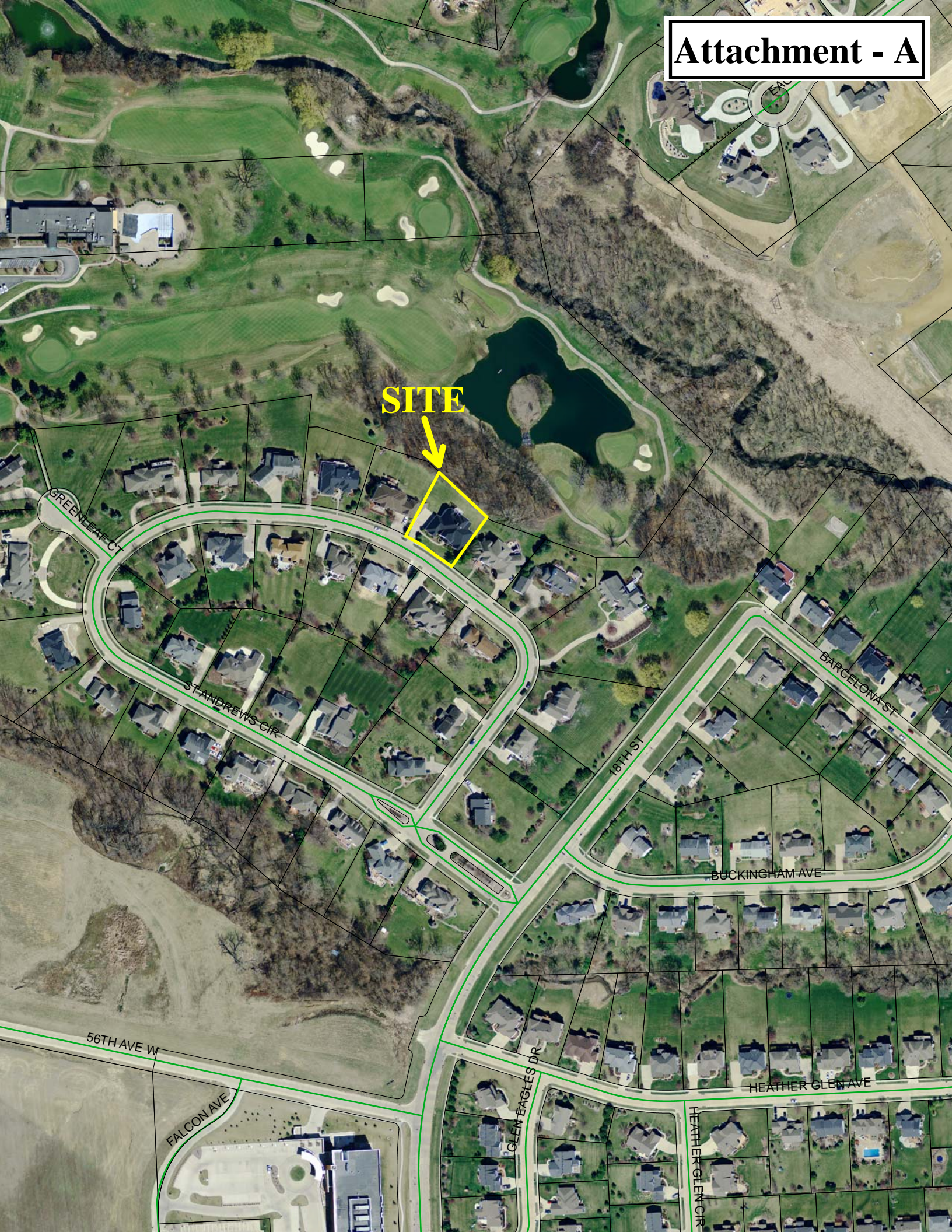
**Staff Recommendation**

While staff cannot cite a hardship related to this request, it appears that the intent of the Code will be maintained if the request is approved.

Respectfully submitted,

John Soenksen  
City Planner

**Attachment - A**



**SITE**



GREENLEAF CT

STANDREWS CIR

18TH ST

BARCELONA ST

BUCKINGHAM AVE

56TH AVE W

FALCON AVE

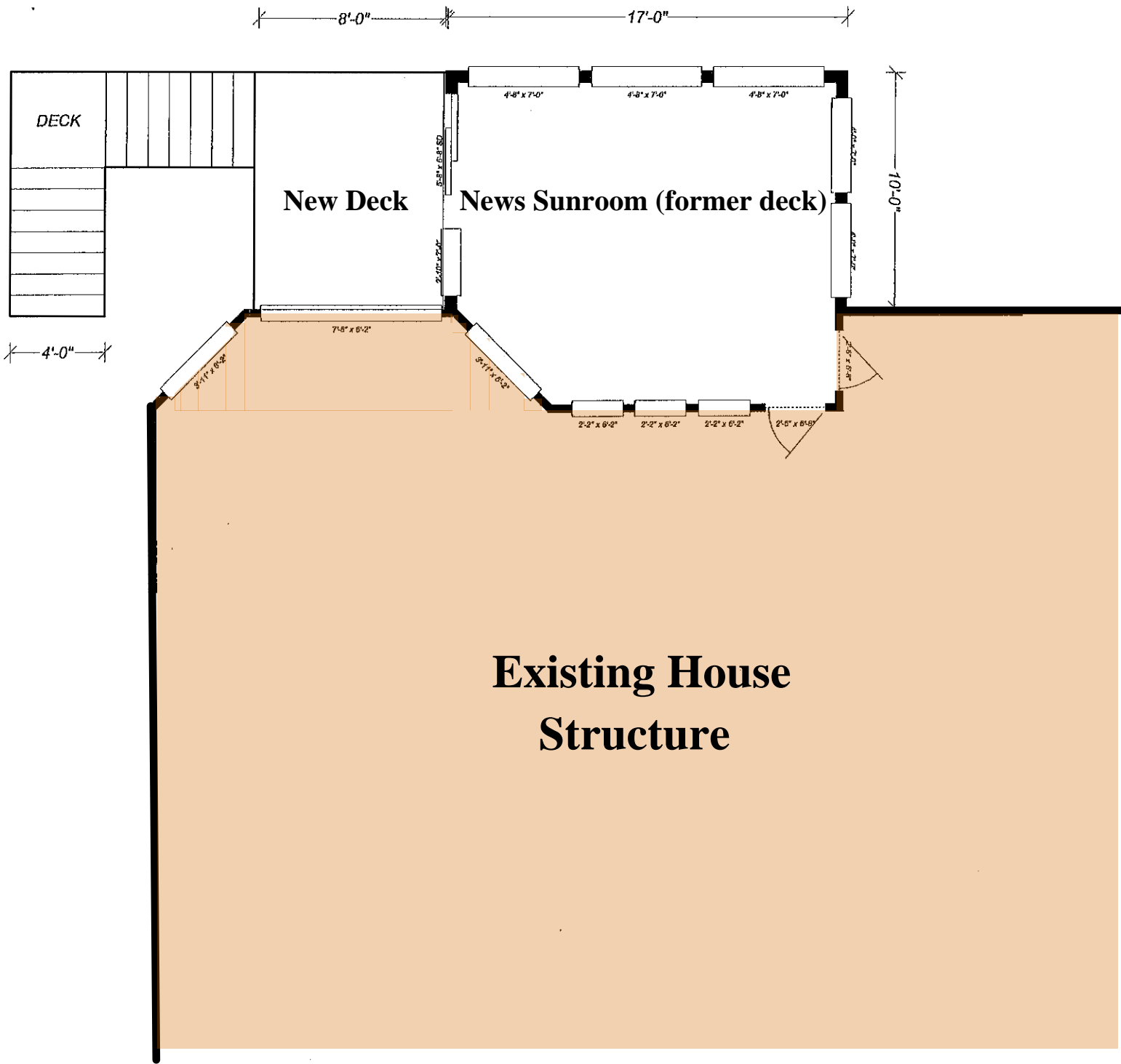
GLEN EAGLES DR

HEATHER GLEN AVE

HEATHER GLEN CIR



# Attachment - C



**Attachment - D**



850'

130'

ST ANDREWS CIR

18TH ST



Case No. 13-011

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address 2154 St Andrews Circle

Legal Description of the property. Lot #7 St Andrews Green Add.

Part 2. Contact Information.

Applicant Name Sampson Construction / Joe Sampson Phone 563-528-5748  
Address 4109 Rockingham Rd Des Moines Iowa FAX 563-324-0041  
E-mail Address: josephsampsonglvc.com

Owner Name Andy + Marilyn Berkow Phone 332-1156  
Address 2154 St Andrews Ct Bettendorf IA FAX —  
E-mail Address: —

Agent None Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Part 3. Type of Application. (check at least one)

1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:

- (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
- (b) That it will not impair an adequate supply of light and air to adjacent property.
- (c) That it will not unreasonably increase the congestion in public streets.
- (d) That it will not increase the danger of fire or of the public safety.
- (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
- (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.

2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:

- (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
- (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
- (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
- (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
- (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
- (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
- (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.

Other: My Commission Expires 12/31/13  
(Attach a separate sheet and explain in detail.)

Part 4. General Information.

Section(s) of Zoning Ordinance Involved Rear Yard Setback Existing Zoning R-1

Part 5. Reasons for Application. In the space below, give a general description of the activity desired and principal reasons why this application should be granted by the Board. If this application is for a variance, please state the hardship which the zoning ordinance imposes on the property. Use the following criteria as justification for the requested variance. Use additional sheets if necessary.

- (a) It shall be the property owner's responsibility to show that the terms of this ordinance will impose unusual and practical difficulties or particular hardships. The hardship established by the property owner must not be SELF-IMPOSED. A self-imposed hardship is NOT justification for the approval of a variance request.
- (b) If the variance granted is in harmony with the general purpose, intent, and spirit of this ordinance.
- (c) If the board determines that the granting of the requested variance will not serve merely as a convenience to the applicant, but will alleviate a demonstrable hardship as to warrant a variance from the official city plan as established by Ordinance No. 381 of the city, and at the same time the surrounding property will be reasonably protected.
- (d) That by granting the request for a variance substantial justice shall be done.

Homeowner would like to remove existing deck/ pergola and replace with all-season room and 8'x16' deck. This structure will not protrude any further than existing structure currently does into setback. New structure will not affect view point of any adjoining property.

Part 6. Attachments. The following items are attached and are a part of this application.

- 1. Scale accurate site plan, at a scale of 1" = 20' or other suitable scale, showing adjacent street, property line, building location of existing and proposed buildings and other important features of the property. Required with all applications.
- 2. Legal Description. (If not shown on page 1.)
- 3. Floor plan if internal design of building is part of application.
- 4. List additional attachments.

Part 7. Signature.

I (we) depose and say that all the information contained in this application and the statements contained in the papers submitted herewith are true. Witness our Hands and Seals this 11 day of March, 20 13.

Signature of Applicant Joseph M. Long Signature of Owner Mary Ann Be...  
(The owner MUST indicate his consent to this application by signing above. Application without the signature of the owner will not be processed)

State of Iowa )  
                          ) SS  
County of Scott )

Before me the undersigned Notary Public, in and for the County and State, personally appeared applicant(s) and separately and severally acknowledge the execution of the foregoing application is his/her voluntary act and deed, for the purposes therein expressed.

Witness my Hand and Notarial Seal this 11<sup>th</sup> day of March, 20 13.

Megana Brown  
Notary Public in and for Scott County, Iowa

Part 10. Filing Fee.

\$ 50.00 Single Family/Two-family Residential Variance  
\$ 100.00 All Other Applications

Received by Lesajohnman  
Amount \$50. Date 3/12/13





**COMMUNITY DEVELOPMENT**

**City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083**

April 11, 2013

Staff Report

**Case No. 13-012**

**Location:** 1109 Terrace Park Drive

**Applicant:** Joe Minorik/LaMacchia Group

**Zoning Designation:** C-2, Community Shopping District

**Request:** Special use permit to allow a drive-in banking facility.

**Background Information and Facts**

The proposed location of the new Rock Island Arsenal Federal Credit Union is on the east side of Utica Ridge Road between Terrace Park Drive and Utica Ridge Court and across the street from Trinity at Terrace Park Hospital (see Attachment A – Location Map). The credit union is currently located at 4217 Utica Ridge Road which is adjacent to the new site. In 1994, the applicant was granted a special use permit for a drive-in banking facility for the current building. The applicant plans to construct two new structures: an approximately 9,800 square foot main building and an approximately 2,700 square foot drive-in facility (see Attachment B – Site Plan.)

Section 21.10.e of the Code states that no special use permit may be granted unless nine standards have been evaluated. Those standards are listed below with staff's evaluation.

- (1) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.**

Section 15.23.5 Special Uses Permitted designates "drive-in banking facility" as a permitted special use.

- (2) The proposed use will comply with all applicable regulations in the district in which the use is to be located.**

Section 15.12.3(a) and 15.22.3(a) designates "bank, saving and loan, and financial institution" as an allowable permitted use in this zoning district. The proposed use complies with the applicable regulations of the C-2 District.

- (3) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.**

The use is in harmony with the businesses already established in this area. Access to this site is from Utica Ridge Road and Terrace Park Drive, and the access points appear to be appropriately-spaced.

The new expanded development contains over 4 acres and allows appropriate space for vehicles to maneuver and a simple flow for traffic using the drive-in facility (see drive-in traffic flow designated by the red arrows on Attachment B).

- (4) The location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.**

- (5) **Parking areas will be of adequate size for the particular use, properly located and suitably screened from adjoining uses, and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.**

The City of Bettendorf has established an elaborate review process in Section 18.92 of the Zoning Ordinance which allows the public to have input at two public hearings: one at the Planning and Zoning Commission meeting and one at the City Council meeting.

The applicant will be required to comply with said review process prior to issuance of any building permit to ensure adherence with standards (4) and (5) above.

Staff estimates enough room for the stacking of 10-12 vehicles at the drive-in portion of the banking facility.

Screening is addressed in more detail in (6) below.

- (6) **The proposed use will not cause substantial injury to the value of other property in the neighborhood.**

The adjacent property owners have been coexisting in harmony next to Rock Island Arsenal Federal Credit Union since 1994. The new design places the drive-in facility closer to two adjacent houses. The site plans indicates that a berm and a 6-foot high privacy fence will be installed to buffer the proposed use from the adjacent houses. A neighborhood meeting to discuss the project was held with the property owners in this area who indicated that the proposed buffer appears to be adequate.

- (7) **Conditions in the area have substantially changed, and at least one year has elapsed since any denial by the board of adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.**

No special use permit has been denied for a request involving this property.

- (8) **The board of adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the general intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.**

Staff has no further recommendation for conditions.

- (9) **The proposed use is consistent with the Bettendorf Comprehensive Plan and serves to further the goals of the plan.**

The request is consistent with the Bettendorf Comprehensive Plan that anticipated this property's future use as "commercial".

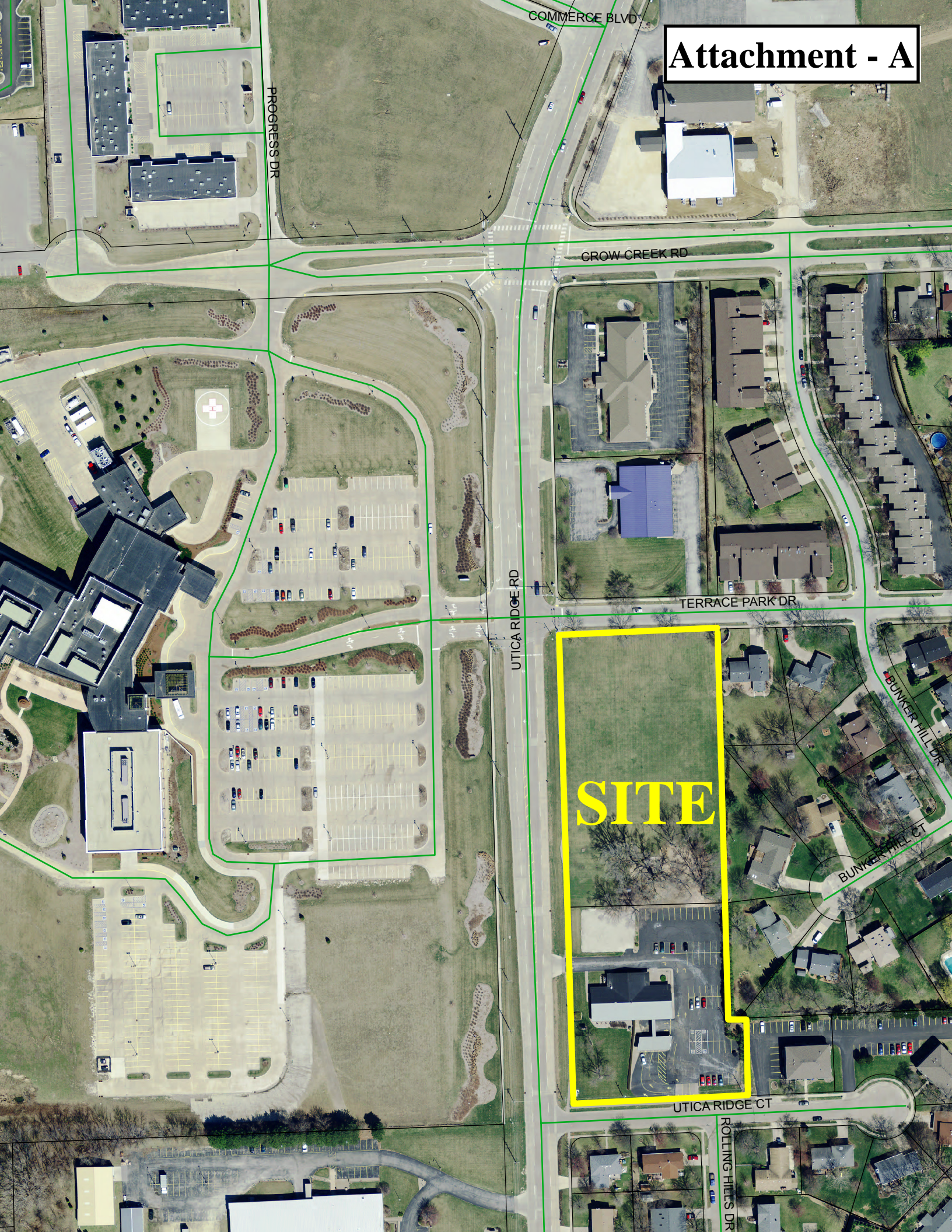
**Staff Recommendation**

Based on the above analysis, staff recommends approval of the request.

Respectfully submitted,

John Soenksen  
City Planner

# Attachment - A



**SITE**

PROGRESS DR

COMMERCE BLVD

CROW CREEK RD

UTICA RIDGE RD

TERRACE PARK DR

BUNKER HILL DR

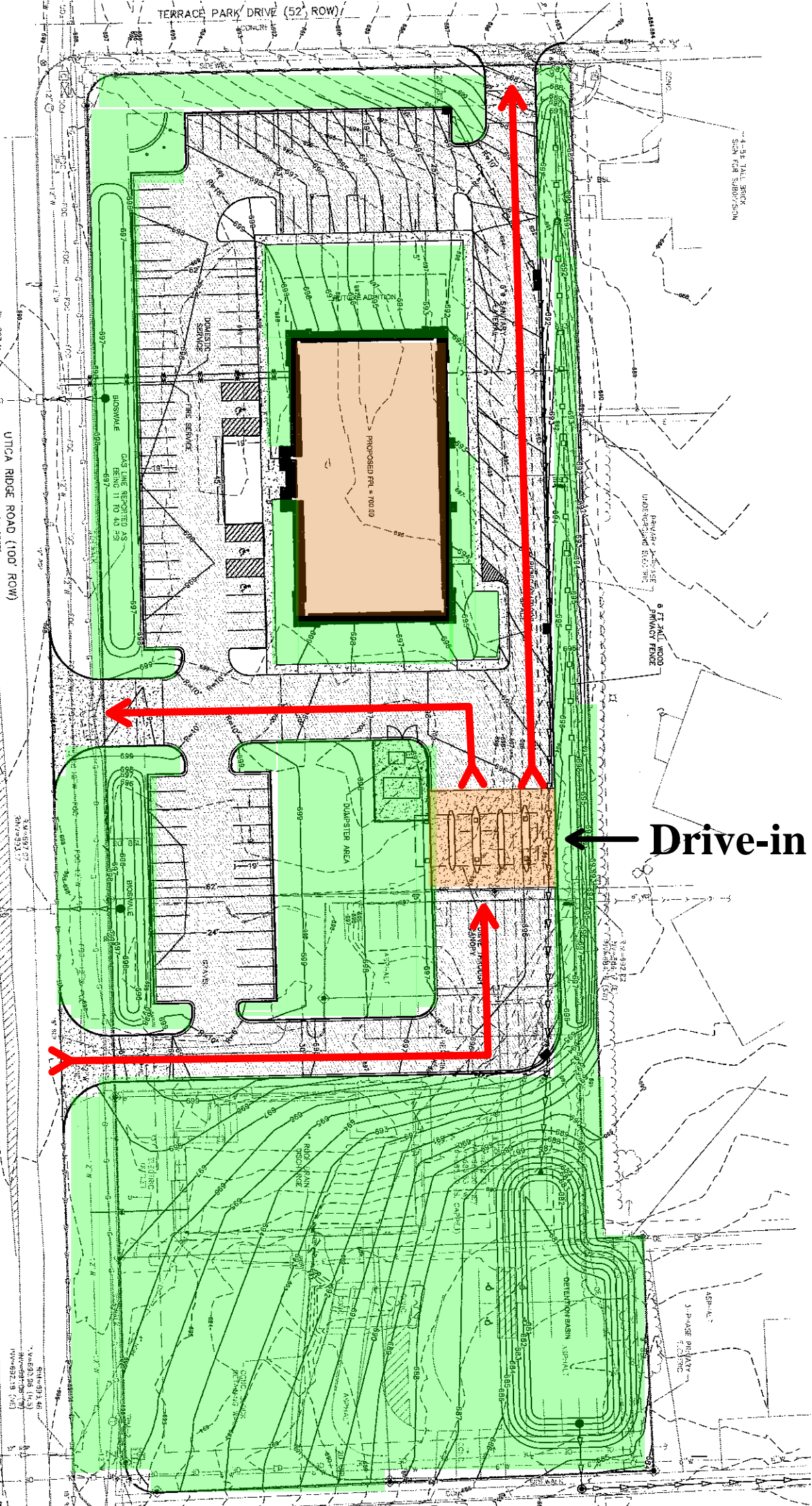
BUNKER HILL CT

UTICA RIDGE CT

ROLLING HILLS DR

**Missman, Inc.**  
Professional Engineers & Land Surveyors

Rock Island, IL • Belvidere, IL • Rockford, IL • St. Charles, IL  
(815) 788-7844 (815) 344-0280 (815) 963-8400 (815) 963-5823  
www.missman.com



**Drive-in**





Case No. 13-012

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved. 1109 Terrace Park Drive  
Street Address 4217 Utica Ridge Road, Bettendorf, IA 52722

Legal Description of the property. Lots 66, 67, 68, 78 and Part of 69 of Terrace Park Addition

Part 2. Contact Information.

Applicant Name LaMacchia Group - Joe Minorik Phone 414-727-4380  
Address 157 N. Milwaukee St., Milwaukee, WI 53202 FAX 414-223-4488  
E-mail Address: joe@lamacchiagroup.com

Owner Name RIA Credit Union - Larry Coverstone Phone 563-355-3800  
Address 4217 Utica Ridge Road, Bettendorf, IA 52722 FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Agent Joe Minorik - LaMacchia Group, LLC Phone 414-727-4380  
Address 157 N. Milwaukee St., Milwaukee, WI 53202 FAX 414-223-4488  
E-mail Address: joe@lamacchiagroup.com

Part 3. Type of Application. (check at least one)

- 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
  - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
  - (b) That it will not impair an adequate supply of light and air to adjacent property.
  - (c) That it will not unreasonably increase the congestion in public streets.
  - (d) That it will not increase the danger of fire or of the public safety.
  - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
  - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
- 2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
  - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
  - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
  - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
  - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
  - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
  - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
  - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.
- 3. Other. \_\_\_\_\_  
(Attach a separate sheet and explain in detail.)





COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

April 11, 2013

Staff Report

**Case No. 13-013**

**Location:** 3487 Towne Pointe Drive

**Applicant:** Bettendorf Christian Church

**Zoning Designation:** C-2, Community Shopping District

**Request:** Variance allow an additional on-premises identification sign on a non-street frontage and to increase the allowable size of the sign from 300 square feet to 600 square feet.

**Background Information and Facts**

The site is located at the end of Towne Pointe Drive and Woodfield Drive and is north of the Lindquist Ford auto dealership (see Attachment A – Location Map). The applicant has requested permission to place a 600 square foot building sign on the rear (southwest) side of the church as shown on Attachment A.

**Staff Analysis**

There are two issues in the Board's purview associated with the proposed sign:

1. A variance allowing a sign not oriented toward a street frontage.
2. An increase of the allowable sign square footage from 300 to 600 square feet.

The application lists the following statement to establish a hardship for the two issues listed related to visible signage:

"The church is located at the terminus of Towne Pointe Drive in an area that does not afford visibility toward any roadway routinely traveled by motor vehicles. Due to this landlocked situation, many people do not know there is a church located within the Golden Triangle and do not know the church's name or affiliation".

Staff's analysis is as follows:

- Attachment A illustrates that the nearest portion of the church building is 600 feet from Belmont Road and is 830 feet from Middle Road.
- Both entrances to the church site are at the terminations (cul-de-sac and hammer-head turnaround) of streets with very low traffic counts. A building mounted sign oriented toward Towne Pointe Drive would be at least 250 feet from the road, and a building mounted sign oriented toward Woodfield Place would be at least 600 feet from that road.
- The church site is a large lot containing approximately 17½ acres of land and also a large structure of over 30,000 square feet. If allowed, the sign would be placed on the rear of the church which is over 200 feet wide.

The board has ruled on various cases involving similar requests over the past several years and approved the following:

#### Increase of Allowable Sign Square Footage

- 617 square feet for a building-mounted sign at Hobby Lobby on a building front 300 feet wide, on a lot containing 11 acres, and having a large setback.
- 806 square feet for building-mounted signage at Schnuck's food store on a building front 283 feet wide, on a lot containing 9 acres. And having a large setback.
- An additional full-sized shopping center sign at Duck Creek Plaza for a center containing numerous stores with large frontage widths, large setbacks, and large individual lots.
- An increase for the sign at Eye Surgeons and Associates from 60 square feet to 300 square feet on a site containing a large structure on a lot 3 acres in size.
- An increase for a monument sign up to 330 square feet at a reduced setback at Ron's Toy Box which is directly adjacent to the church.

#### Non-Street Frontage

- Luther Knoll housing complex on AAA Court to orient a sign toward Devils Glen Road. The reasons stated for that request are identical to this request (a large complex located far away from Middle Road whose main access is on a street cul-de-sac with low traffic count).
- Wallace's Garden Center on Devils Glen Road to orient a sign toward Middle Road.
- Champion Fitness Center on 16<sup>th</sup> Street to orient a sign toward 17<sup>th</sup> Street. The Board subsequently informed staff to handle similar request in the downtown area regarding sign orientation for one-way traffic.

If allowed, the sign would look and be oriented toward Belmont Road as shown in the photo illustrations on Attachment - B. The sign will be a "flood" type illuminated sign as defined in Section 18.77.3 of the Code and lighting would be directed toward the church and away from neighboring property.

#### **Staff Recommendation**

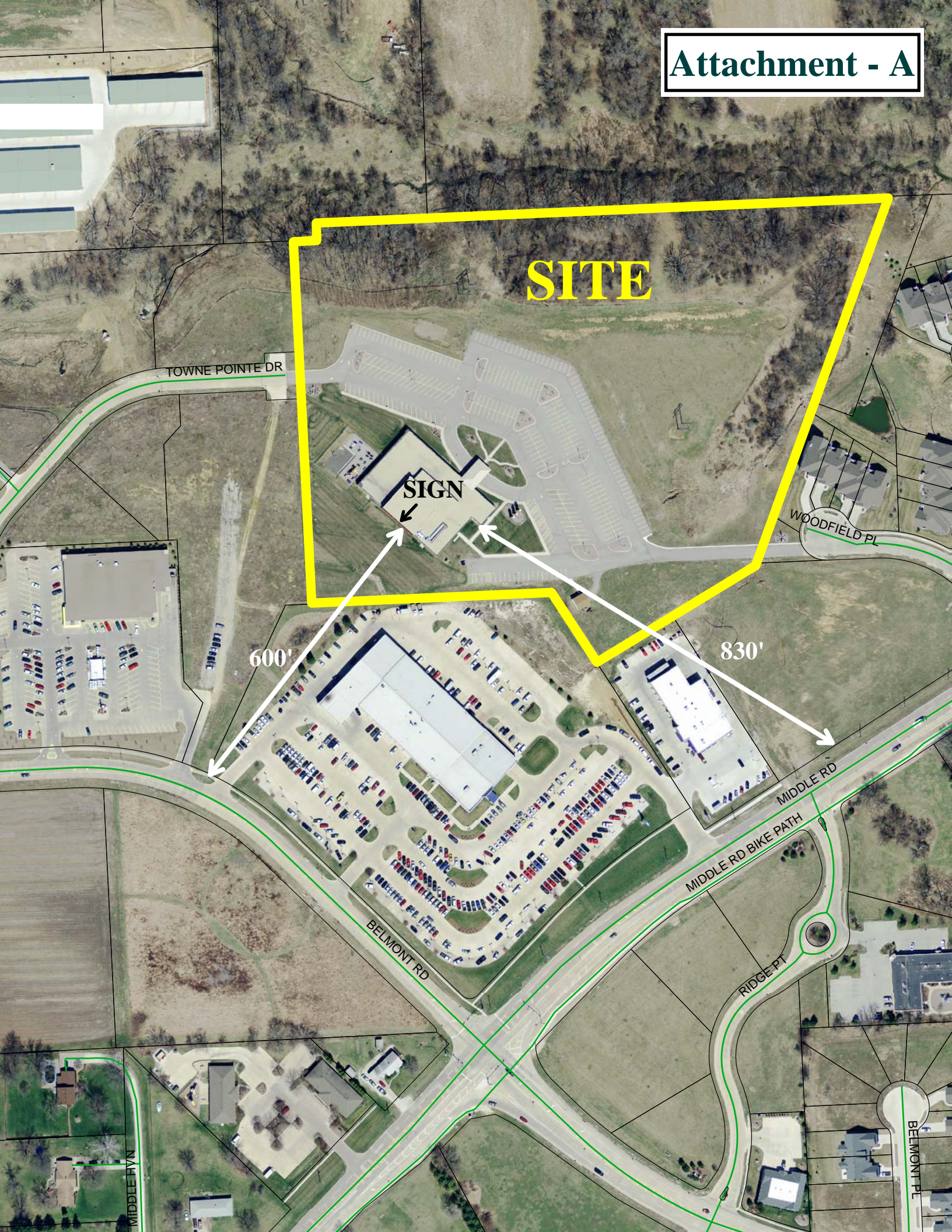
Staff feels that the applicant has demonstrated a hardship specifically related to reasonable signage visibility and is located in a uniquely isolated location. In the past the Board has considered the building orientation, setback, lot size, building width, and building square footage to determine if a proposed sign size is appropriate.

The Board must determine if the proposed 600 square foot sign is appropriate give the above analysis.

Respectfully submitted,

John Soenksen  
City Planner

**Attachment - A**



**SITE**

**SIGN**

600'

830'

TOWNE POINTE DR

WOODFIELD PL

MIDDLE RD

MIDDLE RD BIKE PATH

BELMONT RD

RIDGE PT

MIDDLE HVN

BELMONT PL





Case No. 13-013

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address 3487 Towne Pointe Drive

Legal Description of the property. Lot #1 – Bettendorf Christian Church 1<sup>st</sup> Addition (Scott County Parcel #8415392011)

Part 2. Contact Information.

Applicant Name Bettendorf Christian Church Phone 355-0124  
Address 3487 Towne Pointe Drive FAX \_\_\_\_\_  
E-mail Address: tim@BettendorfChristian.org

Owner Name As Above Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Agent Allen Sign Co Phone 391-6047  
Address 817 E. 59<sup>th</sup> St., Davenport, IA 52801 FAX \_\_\_\_\_  
E-mail Address: allsign86@hotmail.com

Part 3. Type of Application. (check at least one)

- 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
  - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
  - (b) That it will not impair an adequate supply of light and air to adjacent property.
  - (c) That it will not unreasonably increase the congestion in public streets.
  - (d) That it will not increase the danger of fire or of the public safety.
  - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
  - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
  
- 2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
  - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
  - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
  - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
  - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
  - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
  - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
  - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.
  
- 3. Other. \_\_\_\_\_  
(Attach a separate sheet and explain in detail.)





COMMUNITY DEVELOPMENT

City Hall Annex • 4403 Devils Glen Road, Bettendorf, Iowa 52722 • (563) 344-4083

April 11, 2013

Staff Report

**Case No. 13-013**

**Location:** 3487 Towne Pointe Drive

**Applicant:** Bettendorf Christian Church

**Zoning Designation:** C-2, Community Shopping District

**Request:** Variance allow an additional on-premises identification sign on a non-street frontage and to increase the allowable size of the sign from 300 square feet to 600 square feet.

**Background Information and Facts**

The site is located at the end of Towne Pointe Drive and Woodfield Drive and is north of the Lindquist Ford auto dealership (see Attachment A – Location Map). The applicant has requested permission to place a 600 square foot building sign on the rear (southwest) side of the church as shown on Attachment A.

**Staff Analysis**

There are two issues in the Board's purview associated with the proposed sign:

1. A variance allowing a sign not oriented toward a street frontage.
2. An increase of the allowable sign square footage from 300 to 600 square feet.

The application lists the following statement to establish a hardship for the two issues listed related to visible signage:

“The church is located at the terminus of Towne Pointe Drive in an area that does not afford visibility toward any roadway routinely traveled by motor vehicles. Due to this landlocked situation, many people do not know there is a church located within the Golden Triangle and do not know the church’s name or affiliation”.

Staff’s analysis is as follows:

- Attachment A illustrates that the nearest portion of the church building is 600 feet from Belmont Road and is 830 feet from Middle Road.
- Both entrances to the church site are at the terminations (cul-de-sac and hammer-head turnaround) of streets with very low traffic counts. A building mounted sign oriented toward Towne Pointe Drive would be at least 250 feet from the road, and a building mounted sign oriented toward Woodfield Place would be at least 600 feet from that road.
- The church site is a large lot containing approximately 17½ acres of land and also a large structure of over 30,000 square feet. If allowed, the sign would be placed on the rear of the church which is over 200 feet wide.

The board has ruled on various cases involving similar requests over the past several years and approved the following:

#### Increase of Allowable Sign Square Footage

- 617 square feet for a building-mounted sign at Hobby Lobby on a building front 300 feet wide, on a lot containing 11 acres, and having a large setback.
- 806 square feet for building-mounted signage at Schnuck's food store on a building front 283 feet wide, on a lot containing 9 acres. And having a large setback.
- An additional full-sized shopping center sign at Duck Creek Plaza for a center containing numerous stores with large frontage widths, large setbacks, and large individual lots.
- An increase for the sign at Eye Surgeons and Associates from 60 square feet to 300 square feet on a site containing a large structure on a lot 3 acres in size.
- An increase for a monument sign up to 330 square feet at a reduced setback at Ron's Toy Box which is directly adjacent to the church.

#### Non-Street Frontage

- Luther Knoll housing complex on AAA Court to orient a sign toward Devils Glen Road. The reasons stated for that request are identical to this request (a large complex located far away from Middle Road whose main access is on a street cul-de-sac with low traffic count).
- Wallace's Garden Center on Devils Glen Road to orient a sign toward Middle Road.
- Champion Fitness Center on 16<sup>th</sup> Street to orient a sign toward 17<sup>th</sup> Street. The Board subsequently informed staff to handle similar request in the downtown area regarding sign orientation for one-way traffic.

If allowed, the sign would look and be oriented toward Belmont Road as shown in the photo illustrations on Attachment - B. The sign will be a "flood" type illuminated sign as defined in Section 18.77.3 of the Code and lighting would be directed toward the church and away from neighboring property.

#### **Staff Recommendation**

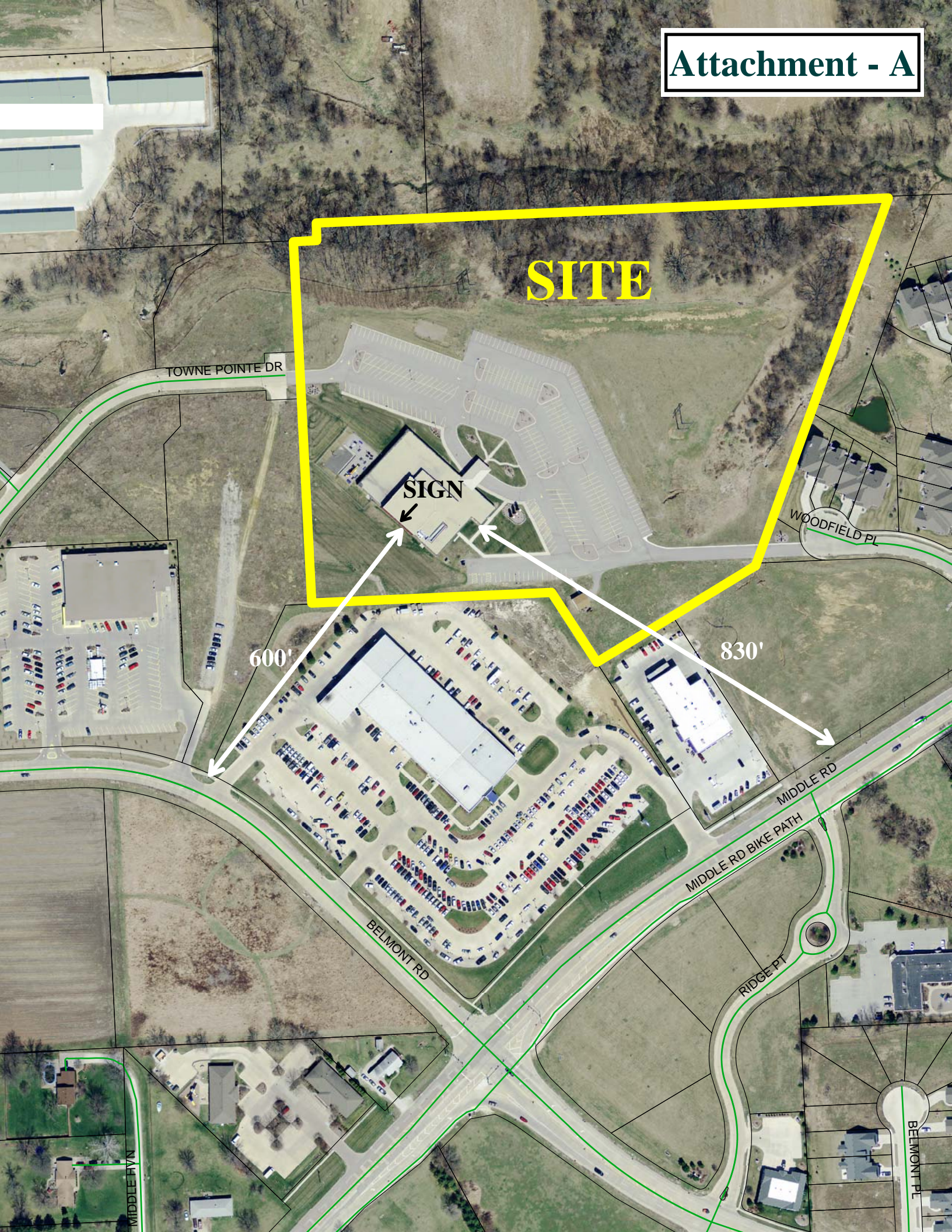
Staff feels that the applicant has demonstrated a hardship specifically related to reasonable signage visibility and is located in a uniquely isolated location. In the past the Board has considered the building orientation, setback, lot size, building width, and building square footage to determine if a proposed sign size is appropriate.

The Board must determine if the proposed 600 square foot sign is appropriate give the above analysis.

Respectfully submitted,

John Soenksen  
City Planner

**Attachment - A**



**SITE**

**SIGN**

600'

830'

TOWNE POINTE DR

WOODFIELD PL

MIDDLE RD

MIDDLE RD BIKE PATH

BELMONT RD

RIDGE PT

MIDDLE HVN

BELMONT PL





Case No. 13-013

APPEAL AND APPLICATION TO THE ZONING BOARD OF ADJUSTMENT OF BETTENDORF, IOWA

Part 1. Property Involved.

Street Address 3487 Towne Pointe Drive

Legal Description of the property. Lot #1 – Bettendorf Christian Church 1<sup>st</sup> Addition (Scott County Parcel #8415392011)

Part 2. Contact Information.

Applicant Name Bettendorf Christian Church Phone 355-0124  
Address 3487 Towne Pointe Drive FAX \_\_\_\_\_  
E-mail Address: tim@BettendorfChristian.org

Owner Name As Above Phone \_\_\_\_\_  
Address \_\_\_\_\_ FAX \_\_\_\_\_  
E-mail Address: \_\_\_\_\_

Agent Allen Sign Co Phone 391-6047  
Address 817 E. 59<sup>th</sup> St., Davenport, IA 52801 FAX \_\_\_\_\_  
E-mail Address: allsign86@hotmail.com

Part 3. Type of Application. (check at least one)

- 1. Variance/Exception. Before the Board of Adjustment grants approval of a variance to the City of Bettendorf Zoning Ordinance, all of the following conditions **MUST** be met:
  - (a) That the granting of the exception will not permit any use in any district which would be in conflict with the permitted uses of such district under the terms of this ordinance.
  - (b) That it will not impair an adequate supply of light and air to adjacent property.
  - (c) That it will not unreasonably increase the congestion in public streets.
  - (d) That it will not increase the danger of fire or of the public safety.
  - (e) That it will not unreasonably diminish or impair established property values within the surrounding areas.
  - (f) That it will not in any other respect impair the public health, comfort, safety, morals, or welfare of the inhabitants of the city.
  
- 2. Special Use Permit. Before the Board of Adjustment grants approval of a special use permit, all of the following conditions **MUST** be met:
  - (a) The proposed use is designated by this ordinance as a special use in the district in which the use is to be located.
  - (b) The proposed use will comply with all applicable regulations in the district in which the use is to be located.
  - (c) The location and size of the proposed use, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it are such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
  - (d) The location, nature, and height of buildings, walls, and fences and the nature and extent of the landscaping on the site are such that the use will not unreasonably hinder or discourage the appropriate development and use of adjacent land and buildings.
  - (e) Parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining uses and the entrance and exit drives will be laid out so as to prevent traffic hazards and nuisances.
  - (f) The proposed use will not cause substantial injury to the value of other property in the neighborhood.
  - (g) Conditions in the area have substantially changed and at least one year has elapsed since any denial by the Board of Adjustment of any prior application for a special use permit that would have authorized substantially the same use of all or part of the site.
  - (h) The Board of Adjustment shall impose such conditions and restrictions upon the premises benefited by a special use permit as may be necessary to assure compliance with the above standards, to reduce or minimize the effect of such permit upon other properties in the neighborhood, and to better carry out the intent of this ordinance. Failure to comply with such conditions or restrictions shall constitute a violation of this ordinance.
  
- 3. Other. \_\_\_\_\_  
(Attach a separate sheet and explain in detail.)

